

Dkt. No.: OP-093000197

REMARKS

Claims 1-7 are pending. The Examiner has rejected original claims 1-4 under 35 USC 103(a) as being unpatentable over DiStefano (US 6,903,930) in view of Sasaki (US 6,637,505).

First of all, Applicant wants to indicate there should be no foreign priority claim for this application. Through USPTO public Internet database, Applicant notices a Japanese application No. 287946/2003 filed on Aug. 6, 2003 was erroneously made as claimed foreign priority. Therefore, correction is respectfully requested.

In response, Applicant has amended claims 1, 3 and 4 and cancelled claim 2. Claims 5-7 are newly added. Applicant respectfully traverses Examiner's rejections according to the following reasons.

DiStefano do not disclose a first heat dissipating fin module 31 and a second heat dissipating fin module 32 mounted to each to form a heat dissipating device 3 mounted on the CPU 21 as in Applicant's amended claim 1. The Examiner indicates Distefano's direct attach heat exchanger 200 and first and second remote heat exchangers 110 and 120 corresponding to Applicant's heat dissipating device 3 and first and second fin module 31 and 32, respectively. However, Distefano's first and second remote heat exchangers 110 and 120 do not mounted to each other to form Distefano's direct attach heat exchanger 200 mounted on the CPU. Sasaki does not disclose the feature of Applicant's amended claim 1, either. Moreover, neither Distefano nor Saski discloses a first and a second heat dissipating fan heat dissipating fan 33 and 34 mounted on the first and the second fin

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module 31 and 32 facing towards the ventilative openings 51 and 41 respectively, and the first and a second heat dissipating fan heat dissipating fan 33 and 34 rotated to draw wind outside the case 1 from the right side 5/left side 4 flowing through the heat dissipating device 3 and taking heat from the CPU 21 to flow outside from the left side 4/right side 4 as in Applicant's amended claims 3 and 4. Therefore, amended claims 1, 3 and 4 should be patentable over DiSetfano in view of Sasaki.

As for Applicant's newly added claims 5-7, which should be patentable over DiSetfano in view of Sasaki for at least the same reasons mentioned above, furthermore, no dissipating fan mounted on either Distefano's direct attach heat exchanger 200 or Sasaki's heat dissipating fin 6.

That is, Applicant's currently presented claims 1, 3-7 are not obvious to combine DiSetfano with Sasaki. It is noted that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Therefore, Applicants respectfully traverse Examiner's 103 rejections on claims 1-4 and all currently presented claims 1, 3-8 are patentable over DiSetfano in view of Sasaki.

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Accordingly, the application is deemed to be in condition for allowance and such a Notice is earnestly solicited.

Respectfully submitted,

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